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HUMAN RIGHTS COMMITTEE
Seventy-third session

LIST OF ISSUES TO BE TAKEN UP IN CONNECTION WITH THE CONSIDERATION OF THE FIFTH PERIODIC REPORT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND (CCPR/C/UK/99/5)

Constitutional and legal framework within which the Covenant and the Optional Protocol are implemented (art. 2)

1. Please provide information on the implementation of the Committee's recommendations set out in its concluding observations on the fourth periodic report.

2. Is the State party considering legislation to incorporate the International Covenant on Civil and Political Rights in domestic law, especially those provisions not covered by the Human Rights Act?

Non-discrimination and sexual equality (arts. 2.1, 3, 23 and 26)

3. Please provide information with regard to the application of the provisions of the Race Relations Act (paragraph 24 of the report). What measures have been taken by the authorities to prevent instances of bias in the criminal justice system and in the police force? (paras. 35, 41-42). Please provide statistics on the composition of the Prison Service personnel (para. 50). What measures have the authorities taken to address and prevent incidents of racial and racist such as those which occurred in Oldham and Leeds in May and June 2001? (para. 48).

4. Please provide information on whether homosexuals continue to be discriminated against in the armed forces (para. 110).

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5. How are the different ages of consent for homosexual and heterosexual relations compatible with the Covenant? (para. 458).

6. With regards to incidents of violence against women:

(a) What have been the effects of the various campaigns launched in 1999 and 2000 and of the 1997 Protection from Harassment Act?

(b) What remedies are being made available for victims of domestic violence and for affected families? Are shelters and counselling provided to the victims and their families?

(c) Have there been any convictions for marital rape since 1995? (paras. 112-120).

7. Please provide information on whether the Welfare Reform and Pensions Bill has been enacted and whether equality between spouses with regard to welfare and pensions has now been achieved? (para. 516).

8. What restrictions, if any, continue to be imposed on women serving in the armed forces, in particular with regard to serving in combat? (paras. 106-108).

Derogation (art. 4)

9. In view of the Belfast Agreement, does the State party continue to consider that the derogation from the fair trial standards in Northern Ireland is "strictly required by the exigencies of the situation"?

10. Do the provisions of the Terrorism Act of 2000, which replaced existing emergency powers law, constitute reservations to articles 9, 10, 14 and 17 of the Covenant? How does the State party justify that the Act's provisions for trial without jury, lowering standards of admissibility into evidence, expansion of arrest, entry, search and seizure powers without a warrant, and restrictions on assembly and association are "strictly required by the exigencies of the situation"?

Right to life (art. 6)

11. Have those responsible for the harassment and murder of human rights defenders, such as Rosemary Nelson and Patrick Finucane, in Northern Ireland, been prosecuted and punished? Is the State party responding to demands for an investigation of allegations of official collusion in those murders?

12. Since the submission of the report, the State party has been found to have failed to protect the right to life of four persons who were allegedly victims of unlawful killings by State agents and whose deaths had not received "effective official investigations". What are the authorities doing to ensure that in the future with respect to similar cases there will be: (a) independent investigation; (b) prompt response and public scrutiny; and (c) open and proper inquests?

13. What measures have the authorities taken to prevent branches of the police and the army, such as the Force Research Unit, from participating in paramilitary terrorist activities and participating in the deaths of loyalist and unionist paramilitary members? What has the State party done to prevent members of the armed forces and the police from targeting United Kingdom citizens for murder, and from colluding with unionist and loyalist paramilitaries? What steps will be taken to ensure that police and army officers who have confessed to such collusion will be safe from threats of harm from the paramilitaries and from others?

Torture, degrading treatment and punishment (art. 7)

14. How does the State party justify the continued use of rubber bullets, especially by the Royal Ulster Constabulary?

15. Please explain why persons with complaints against the police are reported to prefer to take their cases to a civil court rather than to public prosecutors. Please provide statistics.

16. The report states that "the United Kingdom's Extradition Act 1989 has safeguards to ensure that no one is extradited to any country where he is likely to face torture". Given the abolition of the death penalty in the United Kingdom, would the United Kingdom extradite a person to a country where the death penalty was a potential punishment? (para. 379).

17. What measures have been taken to eliminate racist abuse in prisons? (paras. 38, 48, 153). What were the results of the 1999 Prison Requests and Complaints System Review? (para. 192).

18. Is the State party considering withdrawing its reservation to article 10.2 (b) of the Covenant regarding the segregation of juveniles from adults in prisons in Northern Ireland? (paras. 258, 331, 335 and 336).

19. How does the State party justify the practice of electronic tagging and "home detention curfew" - as an alternative to custodial sentences - as being consistent with the Covenant? (paras. 281-285).

Liberty and security of the person; arrest and detention (art. 9)

20. How does the State party justify the incompatibility with the Covenant of the sections of the Prevention of Terrorism Act that allow arrest without a warrant? (para. 323).

21. Important distinctions regarding bail, detention, interviewing and compensation persist between the treatment of arrested and detained persons in Northern Ireland and in the remainder of the United Kingdom. How does the State party justify those distinctions in the light of articles 9 and 26 of the Covenant? (paras. 221-237).

Rights of aliens (art. 13)

22. How does the State party justify the incompatibility of the provisions of the Immigration and Asylum Act regarding judicial oversight of detained asylum seekers, and the dispersal of the

asylum seekers around the country with its obligations under article 13 of the Covenant? (paras. 354, 367-372 and 378).

23. Is the threat of female genital mutilation (or other traditional practices that infringe the physical integrity or health of women) taken into consideration when deciding on measures of expulsion to another country?

Fair trial (arts. 14 and 26)

24. Has legislation been adopted to prohibit the drawing of inferences from the right to remain silent when a suspect is questioned by police without counsel being present? What steps have been taken to ensure the access of detainees to counsel during interrogation in order to guarantee the right not to incriminate oneself? (para. 389).

25. How does the State party justify the continuing distinctions between Northern Ireland and the remainder of the United Kingdom in the light of articles 14 and 26 of the Covenant in respect of:

(a) The maintenance of "Diplock courts, [where judges sit without juries in Northern Ireland] because of [the fear of] intimidation of jurors and the returning of perverse verdicts in terrorist cases"; (para. 430)

(b) The selective treatment "in Northern Ireland [of] requests [for] solicitors sitting in on police interviews"; (para. 433)

(c) The requirement under the Police Act 2000 that new, but not existing, police officers in Northern Ireland are required to swear an oath to uphold "fundamental human rights";

(d) The provisions in the Police Act 2000 which require that police officers in Northern Ireland but not elsewhere in the United Kingdom report membership in organizations which foster discrimination.

Expression (art. 19)

26. How does the State party justify actions by the authorities to prevent publication by newspapers and television stations of articles and programmes about collusion of State agents in murders by police and army personnel? Have the authorities, as reported, sought injunctions under the Official Secrets Act to prevent public discourse on such matters by former members of the military and police?

Assembly and association (arts. 21 and 22)

27. Please explain how the Terrorism Act 2000 and its emergency powers are compatible with the rights of assembly and association (articles 21 and 22 of the Covenant).

Participation in public life (art. 25)

28. How does the State party consider the deprivation of the right to vote as part of the punishment of convicted felons, and the de facto disenfranchisement of remand prisoners, to be compatible with the provisions of article 25 of the Covenant? (para. 602).

29. What steps are being taken by the State party to eliminate existing disparities in public life between: (a) ethnic minorities and the majority; and (b) between men and women? (paras. 604-626).